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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of:

Petition for Expedited Rulemaking of
LCI International Telecom Corp. and
Competitive Telecommunications Association
to Establish Technical Standards for
Operations Support Systems

RM-9101

COMMENTS OF THE SOUTHERN NEW ENGLAND TELEPHONE COMPANY

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July 10, 1997

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I. INTRODUCTION

The Southern New England Telephone Company (SNET) respectfully submits these Comments in opposition to the Petition for Expedited Rulemaking (Petition) filed jointly by LCI International Telecom Corporation (LCI) and the Competitive Telecommunications Association (CompTel) on May 30, 1997.¹ In its Petition, LCI and CompTel request the Federal Communications Commission (Commission) to institute a rulemaking concerning the requirements governing operations support systems (OSS) established by the Commission in its *Local Competition First Report and Order*.²

In these Comments, SNET demonstrates that: (1) significant progress is taking place in Connecticut to provide nondiscriminatory access to SNET's OSS; (2) the many

¹ FCC Public Notice released June 10, 1997, established that comments are due on July 10, 1997, and Reply Comments are due to be filed on July 25, 1997, DA NO. 97-1211, RM-9101.

² *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order*, CC Docket No. 96-98, Released August 8, 1996 ("First Report and Order").

individual differences among incumbent Local Exchange Carriers' (ILECs) networks and systems make uniform national OSS performance and technical standards impractical and in some instances even impossible to determine; (3) because competitive Local Exchange Carriers' (CLECs) needs vary significantly from CLEC to CLEC, ILECs must be able to address their customers' specific requirements on an individual basis; and (4) the appropriate forum for the resolution of OSS issues is to be found locally in negotiations between an ILEC and each CLEC and, before state commissions through arbitration and mediation proceedings.

The Commission has already addressed and rejected the adoption of national performance standards in the *Second Report and Order on Reconsideration*.³ Thus, SNET strongly urges the Commission to deny the relief sought by LCI and CompTel in their Petition and instead encourage CLECs to continue to pursue resolution of OSS issues in private negotiations with ILECs and in the arbitration and mediation proceedings before state commissions, and where necessary, seek appellate relief in federal district court as mandated by the Act.⁴

³ *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Second Report and Order on Reconsideration*, CC Docket No. 96-98, Released December 13, 1996, ("Second Report and Order on Reconsideration"), at ¶13.

⁴ 47 U.S.C. 252(e)(6). This provision provides that "In any case in which a State commission makes a determination under this section, any party aggrieved by such determination may bring an action in an appropriate Federal district court to determine whether the agreement or statement meets the requirements of section 251."

II. SIGNIFICANT PROGRESS HAS BEEN MADE IN CONNECTICUT TO PROVIDE NONDISCRIMINATORY ACCESS TO SNET'S OSS.

Section 251(c)(2)(c) of the Act requires that ILECs, provide service “that is at least equal in quality to that provided by the local exchange carrier to itself or to any subsidiary, affiliate, or any other party to which the carrier provides interconnection.” The Act requires SNET, and all ILECs, to provide non-discriminatory access to unbundled network elements and to provide resale services under just, reasonable and nondiscriminatory terms and conditions. See §§ 251(c)(3), 251(c)(4). Based on this directive, the Commission concluded, for example, that access to operations support systems are subject to the nondiscriminatory access duty.⁵ Prior to this Federal requirement, the Connecticut Legislature passed Public Act 94-83 establishing rules for local competition, specifically resale and unbundling. SNET determined a need for a mechanized interface in 1995, developing and proposing specifications for its interface to the CLECs in Connecticut prior to the passing of the Telecommunications Act of 1996. Phase One of the interface provides for ordering and provisioning and is in production as of the third quarter of 1996.

Pursuant to the directives of the First Report and Order, SNET is explicitly negotiating private interconnection agreements that include provisions for access to its OSS. SNET, as the ILEC, and various CLECs, have exercised their rights under the Act and the First Report and Order, to reach comprehensive agreements for (1)

⁵ First Report and Order, ¶517.

interconnection, (2) the resale of services, (3) the sale of unbundled elements, and (4) access to OSS, through arbitration and mediation proceedings. One major CLEC has been using SNET's electronic interface since September, 1996 and others are beginning testing. Additionally, SNET has submitted a proposal for service standards and financial remedies for unbundled elements and resold services to the Connecticut DPUC for review.⁶ This docketed proceeding will establish these service quality measurements and financial remedies.⁷ Furthermore, SNET representatives regularly participate in national industry forums to establish guidelines and technical standards for interfaces to access OSS functionality where practicable, i.e., Ordering and Billing Forum (OBF) and the Telecommunications Industry Forum (TCIF). Lastly, SNET has recently participated in the Commission sponsored OSS forum held on May 28 and 29, 1997. These actions and involvements are an example of SNET's good efforts to meet the requirements of the Act and the Orders to provide nondiscriminatory access to its OSS.

III. THE MANY INDIVIDUAL DIFFERENCES AMONG LECS' NETWORKS AND SYSTEMS MAKE UNIFORM NATIONAL OSS PERFORMANCE AND TECHNICAL STANDARDS IMPRACTICAL, AND IN SOME INSTANCES EVEN IMPOSSIBLE TO DETERMINE.

OSSs that provide local exchange carrier services throughout the nation today vary from LEC to LEC, Regional Bell Operating Company (RBOC) to RBOC, and state to

⁶ Application of the Southern New England Telephone Company's Proposed Service Standards and Financial Remedies for Resold Services and Unbundled Elements, Docket No. 97-04-23, April 15, 1997.

⁷ Parties participating to date include AT&T Communications of New England, Inc., Connecticut Telephone & Communications Systems, Inc., Cox Connecticut Telcom, LLC., MCI Telecommunications Corporation, MFS Intelenet, Inc., and Teleport Communications Group, Inc.

state. And, oftentimes a single LEC that offers local exchange carrier services in multiple states has OSSs that vary within the LEC from state to state. The LCI/CompTel Petition ignores the reality that not all OSSs are the same or implemented the same throughout the nation today. The Commission must recognize this reality and the necessity for incumbent LECs to provide OSS functions within the ILEC serving area consistent with that ILEC's capabilities. If the Commission chooses to adopt the recommendations made by LCI/CompTel in their petition, SNET requests the Commission require CLECs to share in the cost of the implementation and ongoing management of national OSS performance and technical standards.

SNET believes any federal regulation to impose national OSS performance and technical standards could actually impede the progress made to date. Certainly in Connecticut, and also in other parts of the nation delays could occur, to provide CLECs with nondiscriminatory access to OSS. If SNET is required to change its systems to meet a national standard, SNET and the CLECs in Connecticut may have to throw away previous investments that may inevitably result in a delay in local competition. This delay will result because CLECs who currently interface or have developed their own systems to interface with SNET will be affected by the establishment of national standards that differ from those in place. Any planned modifications to the currently available interface would not continue until the new standards are defined by the industry. Moreover, such a requirement would require additional investments and/or expenses that would need to be recovered. Resources of both the ILEC and CLECs would be diverted to implement a

standard not yet developed or tested. In addition, the adoption of national standards for OSS may require the renegotiation of agreements between ILECs and CLECs already approved by state commissions. Such action by the Commission where states have already acted would be inconsistent with the Act.⁸ Private negotiations between ILECs and CLECs with state commission approval, and the development of guidelines and technical standards through participation in industry forums are where the efforts of the ILECs and CLECs should continue to be focused. To the extent ILECs have not provided access to OSS, the state commissions should take necessary action to respond to this issue. For these reasons, SNET strongly urges the Commission to deny LCI/CompTel's Petition for relief.

IV. CLECS' NEEDS VARY SIGNIFICANTLY. TO BEST MEET THESE NEEDS, SNET NEEDS TO ADDRESS CUSTOMERS' SPECIFIC REQUIREMENTS.

The needs of the CLECs for access to OSS vary significantly from CLEC to CLEC. For example, some CLECs cannot support electronic access at all. The larger CLECs that expect to generate high volumes of service requests have different needs than those CLECS that expect to generate smaller volumes of service requests. In order to address these customers' specific needs, SNET must have the flexibility to offer a solution that provides a balance between the CLECs' diverse requirements and is the most cost effective for both SNET and the CLECs.

⁸ 47 U.S.C. §261(b) & 261(c).

State commissions are best positioned to evaluate the needs and capabilities of the ILECs and the CLECs locally and are best suited to determine how ILECs can and should provide access to OSS functions. The Commission has authorized the states to implement many of the initiatives in support of the Act including nondiscriminatory access to OSS.⁹ In order to successfully implement these initiatives, the states must have flexibility in order to ensure that each state is moving towards competition.

V. THE APPROPRIATE FORUM FOR THE RESOLUTION OF OSS ISSUES IS TO BE FOUND LOCALLY IN NEGOTIATIONS BETWEEN AN ILEC AND EACH INDIVIDUAL CLEC AND BEFORE STATE COMMISSIONS THROUGH ARBITRATION AND MEDIATION PROCEEDINGS.

In the *First Report and Order*, the Commission has clearly established the requirements the ILEC needs to meet in order to provide nondiscriminatory access to OSS to the CLECs:

We conclude that operations support systems and the information they contain fall squarely within the definition of “network element” and must be unbundled upon request under Section 251(c)(3)...Congress included in the definition of “network element” the terms “databases” and “information sufficient for billing and collection or use in the transmission, routing, or other provision of a telecommunications service.”

[We] conclude that...operations support systems are subject to the nondiscriminatory access duty imposed by Section 251(c)(3) [for unbundled network elements], and the duty imposed by Section 251(c)(4) to provide resale services under just, reasonable and nondiscriminatory terms and conditions.¹⁰

⁹First Report and Order, ¶24.

¹⁰ First Report and Order ¶252-253, ¶516-517.

The Commission also identified the functions that must be provided:

In all cases, we conclude that in order to comply fully with section 251(c)(3) an incumbent LEC must provide, upon request, nondiscriminatory access to operations support systems functions for pre-ordering, ordering, provisioning, maintenance and repair, and billing of unbundled network elements under Section 251(c)(3) and resold services under Section 251(c)(4).¹¹

It is the state commissions' role, working with the ILECs and the CLECs, to implement the requirements established by the Commission in the Order and to make access to OSS functions a reality. Section 252 (e)(6) of the Telecommunications Act of 1996 establishes that the Commission should take no action to impede the authority of state commissions to act. Further, it provides that Commission action and subsequent judicial review, is the sole remedy, "[I]n a case in which a State fails to act as described in 252(e)(5)."¹² The intent of the Act is that the Commission should take no action regarding CLECs' nondiscriminatory access to OSS functions where state commissions have issued orders approving voluntary or arbitrated agreements between parties on a case-by case basis.¹³ Connecticut is such a state. The Connecticut DPUC has issued orders approving voluntary and arbitrated agreements between parties on a case-by case basis. In addition, to date no CLEC has pursued its right under the Act to seek appellate relief for resolution of OSS needs not resolved before the Connecticut state commission. Given the diverse needs of the ILECs and the equally diverse needs of the CLECs as stated previously, SNET believes the DPUC in Connecticut is best suited to determine

¹¹ Id. at 256, ¶525.

¹² 47 U.S.C. §252(e)(6)

¹³ Certainly, no Commission action can or should be taken where states actions are in accord with the requirements of the Act. Any such action would disturb state commissions' rulings and would defeat the authority granted states under the Act. See 47 U.S.C. §261(b) & 261(c).

how SNET can and should provide access to OSS functions to the CLECs in accordance with the mandate of the Act and the Commission's Orders.

VI. CONCLUSION

SNET strongly urges the Commission to deny the relief sought by LCI/CompTel in their Petition and to support the continued efforts at the local level of ILECs and CLECs to resolve these issues through private negotiations, arbitration and mediation proceedings, state commission proceedings and appellate review, where necessary, to establish the requirements governing nondiscriminatory access to Operations Support Systems.

Respectfully submitted,

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July 10, 1997

CERTIFICATE OF SERVICE

I, Melanie Abbott, certify that SNET's Comments to the foregoing have been filed this 9th day of July, 1997, to all parties in rulemaking 9101.



Melanie Abbott

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